

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
LAS VEGAS DIVISION

COMBS PRODUCE CO., LP

Plaintiff,

VS.

CAL-USA BROKERS, INC.,
HARRY MANETTAS, AND
PHILIP KOSTOFF

Defendants.

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CIVIL ACTION NO. 2:10-cv-01523

FINAL JUDGMENT

The Court has entered separate default judgments against Defendants CAL-USA BROKERS, INC., HARRY MANETTAS, and PHILIP KOSTOFF (collectively referred to herein as the “**Defendants**”) (Dkt. Nos. 46 and 53). Presently before the Court is Plaintiff COMBS PRODUCE CO., L.P.’s (“**Combs**”) *Motion for Entry of Final Judgment Against All Defendants* (the “**Motion**”). Having considered the Motion, as well as evidence submitted in support of the Motion, recognizing the prior entry of default judgments against the Defendants, and finding that good and just cause exists for granting the Motion, particularly in light of the fact that each of the Defendants, although duly and properly served with process herein or having waived formal requirements of service of process, has each failed to file an answer or otherwise defend as to the complaint filed by Plaintiff initiating the above styled and referenced action (the “**Action**”),

The Court ORDERS, ADJUDGES and DECREES and finds as follows:

1. The Motion shall be and is hereby GRANTED; and
2. Final Judgment shall be and is hereby entered against Defendants, jointly and severally, in favor of Combs on all causes of action asserted in the Complaint initiating the Action, as amended (the “**Complaint**”); and

3. All of the factual allegations set forth in the Complaint shall be and are hereby taken to be admitted by each of the Defendants and are deemed to be true and valid, including but not limited to the following:

a. Combs is the beneficiary of a federal statutory trust created in its favor pursuant to the terms of the PACA (the “**PACA Trust**”) as it relates to Defendants. 7 U.S.C. § 499e(c). The PACA Trust is intended to secure and provide for repayment of the indebtedness owing to suppliers of perishable agricultural commodities, such as Combs; and

b. Defendants violated and breached the PACA Trust provision as it relates to their obligations owing to Combs; and

4. Combs shall have and recover judgment of and from Defendants, jointly and severally the sum of \$740,805.55, together with reasonable attorneys’ fees and expenses, and costs of court, on the total of which Combs shall also recover pre-judgment interest of 6% per annum from the date of filing of the Action until the date a final judgment is entered in this Action. Combs shall also be entitled to recover reasonable and necessary attorneys’ fees and expenses in the total amount of \$55,516.69, and post-judgment interest on the total all of the foregoing amounts from the date of entry of this Final Judgment at the rate of .20% per annum until the Final Judgment has been fully satisfied.

5. Combs shall be entitled to all writs and process necessary to collect this Final Judgment.

SIGNED this _ 13th day of June, 2011.


UNITED STATES DISTRICT JUDGE